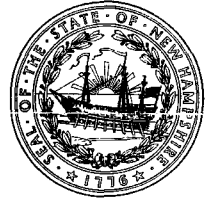




The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

Chris Mastriano  
5 Twin Oaks Drive  
Atkinson, NH 03811

LETTER OF DEFICIENCY  
WMB-BWQ-2005-01  
June 23, 2005

Re: File #1379, Angle Pond, Sandown, 39 Pillsbury Rd.

Dear Mr. Mastriano:

On June 22, 2005, personnel from the Department of Environmental Services (DES) conducted an inspection of your property at 39 Pillsbury Road, more specifically identified on Sandown Tax Map 25, Lot 49 or "the property." The purpose of this inspection was to determine compliance with RSA 485-A:8, and Chapter Env-Ws 1700 of the New Hampshire Administrative Rules.

Based on the inspection, the following deficiencies were identified and attributed to activities conducted at this site:

1. A sediment laden plume was observed in the pond down slope of the property. The sediment load had impacted approximately 40 square feet of shoreline bottom.
2. No erosion control measures had been installed to control exposed soils from eroding into Angle Pond and impacting water quality.

Furthermore, water quality samples and photo documentation were collected by DES personnel on June 22, 2005. Those data indicate a violation of State Water Quality Standards. Sample results and station locations are provided below:

Station ID	Station Description	Nephelometric Turbidity Unit (NTU)
1379-PS001	Sample collected 2-3 ft. from the shoreline of the property within the area of the sediment plume that had discharged from the property to Angle Pond.	21.4
1379-PS002	Sample collected 2-3 ft. from the shoreline of Angle Pond approximately 20 ft. north of Station ID 1379-PS001. Purpose of the sample was to document background turbidity levels.	1.23

The background turbidity level for Angle Pond, Class B waters of the State of New Hampshire, was 1.2 NTUs on June 22, 2005. The measured value of 21.4 NTUs at the point of discharge from the property is approximately 20 NTUs greater than background turbidity levels of Angle Pond. Sediment deposition resulting in turbidity and benthic deposits to a Class B waterbody is a violation of the following surface water quality standards:

- a. General Water Quality Criteria [Env-Ws 1703.03] which states that *all surface waters shall be free from substances in kind or quantity which settle to form harmful deposits.*
- b. Benthic Deposits [Env-Ws 1703.08] which states that *Class B waters shall contain no benthic deposits that have a detrimental impact on the benthic (lake bottom) community.*
- c. Turbidity [Env-Ws 1703.11] which states that *Class B waters shall not exceed the naturally occurring conditions by more than 10 NTUs.*

You are responsible for avoiding future violations of water quality standards. Compliance with the cited deficiencies can be achieved by conducting the following remedial actions:

1. Properly install temporary erosion control measures to prevent eroded material from discharging to all surface waters including Angle Pond. DES recommends that the erosion control be installed or inspected by an erosion control professional and maintained until a permanent solution preventing further erosion has been achieved.

As discussed in by phone on June 22, 2005 proper erosion control measures were to be installed that day. Photos of the property detailing silt fence and hay bales installation were provided to DES on June 23 and June 24, 2005. In addition, Ken Sherwood, Building Inspector for the Town of Sanborn completed a site inspection to verify erosion control measures were properly installed.

2. Begin implementation of soil stabilization on the property within 14 calendar days from receipt of this letter. This should include seeding and mulching. DES recommends that soil stabilization be completed within 30 calendar days from receipt of this letter.
3. Sending digital photos to DES upon completion of soil stabilization and prior to removal of erosion control measures.

In the event that appropriate actions are not taken, DES may order you to take additional remedial measures as may be necessary. Failure to comply with RSA 485-A:8 will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. In addition, DES personnel may conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with the applicable statute.

Please be assured that DES appreciates your willingness to cooperate in remedying the water quality impacts and preventing further impacts. I am confident that we can implement and maintain the solutions to the water quality concerns. If you have any questions, please contact Andy Chapman at 603-271-5334 or [achapman@des.state.nh.us](mailto:achapman@des.state.nh.us).

Sincerely,



Jody Connor  
Limnology Center Director

Certified Mail # 7000 1670 0000 0587 5817

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cc: ✓ Gretchen R. Hamel, Legal Unit Administrator, DES  
Mark Viens, Mark Viens and Son's Excavating (Certified Mail # 7000 1670 0000 0587 5824)  
Ken Sherwood, Sandown Building Inspector  
DES Watershed Management Bureau File (#1379)